REMARKS

Applicant respectfully requests reconsideration of the present application in view of the amendments made to the claims and in view of the reasons that follow.

Status of Claims:

No claims are currently being added or canceled.

Claims 1, 8, 15 and 23 are currently being amended.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-21 and 23 remain pending in this application.

New Matter Objection to Claims:

In the Office Action, the amendment filed on January 5, 2005 was objected to under 35 U.S.C. Section 132(a) because it allegedly introduces new matter into the disclosure, for the reasons set forth on pages 2 and 3 of the Office Action. Applicant respectfully disagrees with this assertion made in the Office Action.

On page 14, lines 5-8 of the specification, it states that "the server 20 saves the voice data for later use as a part of the user's signature (step A8). This voice data is related to the saved order data before being saved." This is the stored voice data corresponding to "at least one of the order ID voice data and the name voice data stored at said server and which was obtained when the order ID was made at a previous point in time", as recited in claims 1 and 15. Page 18, lines 7-14 of the specification describe a situation whereby a user (customer) rejects to pay or does not recognize that he or she has placed the order. In that instance, "the server 20 uses the voiceprint analyzer to analyze the voiceprint as necessary", in order to "prove that the user has placed the order and requests the user to pay." Clearly, the server checks the user's current voice data with the previously stored voice data used to make the order, to determine whether or not the user was the actual person making the order at a previous point in time.

In any event, claims 1 and 15 have been amended to clarify these features, whereby these clarifying amendments are not believed to have changed the scope of these claims.

Accordingly, it is believed that claims 1 and 15 are fully supported by the specification, and further clarification is requested from the Examiner if this rejection is maintained, as to specifically which portion of the subject matter of claims 1, 8 and 15 is supposedly not supported by the specification.

Claim 8 recites similar subject matter with respect to the features added to it in the previously-filed response, and thus the same comments apply equally as well to claim 8 as provided above for claims 1 and 15.

Page 3 of the Office Action asserts that "The specification does not support the inputting of new voice data only confirming the reproduced voice data." However, on page 18, lines 7-12 of the specification, it describes a situation whereby a user has refused to pay or does not recognize that he or she has placed an order, whereby the server 20 that provides the saved voice data to the user to confirm the order, and whereby if the user still refuses to pay, the server 20 uses a voiceprint analyzer to analyze the voiceprint as necessary. Clearly, the server 20 must utilize the voice data of the user that is being currently provided by the user (e.g., "No, that is not my voice making that order") with the previously stored voice data that was used to make the order by the user or by an impersonator. As such, the inputting of the new voice data by the user, to confirm or deny that he/she made the previous order, is used to confirm that the reproduced (stored) voice data was from the same person.

The Office Action's use of the word "only" is problematic, since that word is not recited in the features added to claims 1 and 15. The voice data used to confirm or deny that the stored voice data is or is not from the same person uttering the current voice data, of course may be used for other things, e.g., to provide the denial or acceptance of the previous order, whereby that is not contrary to the features added to claims 1 and 15. Also, when the Office Action asserts that "The specification does not support comparing the input voice data to the stored voice data only analyzing the voiceprint, . . .", again the word "only" is not recited in the features added to claims 1 and 15.

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As to claim 23, which has been amended for clarity (without affecting the scope of that claim), page 18, lines 12-14 of the specification describes that "If the result is suspicious, the server 20 asks a specialist to check the voiceprint of the voice data in FiG. 3 to prove that the user has placed the order and requests the user to pay." This portion of the specification provides clear written description support for the features recited in claim 23.

Claim Rejections – Prior Art:

In the Office Action, claims 1-21 and 23 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0069844 to Koren in view of a collection of documents referred to in the Office Action as "Digital Signatures". This rejection is traversed for the reasons given below.

The Office Action correctly recognizes that Koren does not teach or suggest features in which, "in a case in which said user terminal denies payment of an order corresponding to the order ID at a later point in time, the user of said user terminal is requested to input voice through said voice input unit of said user terminal, wherein the voice inputted through said voice input unit is compared stored voice data corresponding to at least one of the order ID voice data and the name voice data stored at server and which was obtained when the order ID was made at a previous point in time, and wherein the user is determined to either have made or not have made the order corresponding to the order ID based on whether or not a voice recognition procedure performed by said server determines that the input voice and the stored voice data are from a same person." However, the Office Action incorrectly asserts that the Digital Signatures documents teach these features.

Document U (VeriSign Unveils New Suite of Digital Validation Services) describes a Validation service "which enables buyers and sellers involved in an electronic transaction to validate each other's credentials in real time, and to subsequently bind their identity and privileges with other attributes of the transaction." Thus, this validation by VeriSign's system is performed at the same time that the transaction is being consummated by the user, and it is not performed at a later point in time, as required in the presently pending claims under rejection.

Additionally, VeriSign's system uses "digital signature" information, which is not the same as the present invention which validates by comparing a current voice signature of a user of a terminal, with a voice signature obtained from a user (perhaps a different user) of the same terminal at a previous point in time at which the transaction was made.

A digital signature corresponds typically to a password or other secret information known only to certain people, and it does not correspond to digital information obtained from a voice print of a user.

Document V ("Fraud-Busting Takes a Back Seat") describes the use of Biometric data to curb credit card fraud and to speed up card transactions, whereby the Biometric data verifies a person's identity by analyzing a unique physiological trait of the user. It appears that this document describes a system whereby Biometric data of the user is stored as digital data in a smart card, and whereby a user of the smart card then provides his/her own biometric data (e.g., placing a fingertip on a pad) to confirm that the user is an authorized user of the smart card. Such a system that performs a biometric check in real time, that is, at the same time that the transaction is being made, is much different from the present invention which performs a voice check at a later point in time, and which does not utilize stored information of a card utilized in a transaction to perform such a check.

Document W ("Nuance Releases First Natural Language Speech Recognition & Speaker Verification Products for Brazilian Market") describes a natural language recognition product, which includes a speaker verification product that creates and analyzes a caller's voiceprint. This allows the user to conduct a transaction even when the user has forgot his/her PIN number. Note that the speaker verification is performed only if the caller has forgot his/her PIN number, and thus is used as a secondary verification method. It is not at all directed to verifying a caller's identification if the caller has previously entered in an correct PIN number and made a transaction at a previous point in time, and then calls at a later point in time to deny making that transaction, since all it would do at that later point in time is to verify that the user is indeed the user. There is no teaching or suggestion in Document W of storing voice data obtained from the caller at the earlier point in time when the caller entered

in a correct PIN number, and whereby that stored data is to be used at a later point in time to perform an authentication procedure.

Accordingly, for at least these reasons, since Documents U, V and W do not rectify the shortcomings of Koren, the presently pending independent claims patentably distinguish over the cited art of record.

The presently pending dependent claims are patentable due to their respective dependencies on one of the presently pending independent claims discussed above, as well as for the specific features recited in those claims. For example, claim 23 recites the use of a voice recognition specialist, that is, an actual person who specializes in voice recognition, to compare the input voice and the stored voice data. Documents U, V and W utilize software products for authentication, and do not utilize an actual person for such authentication.

Conclusion:

Accordingly, since all of the issues raised in the Office Action have been addressed in this Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

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If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date ___*August 29, 2005*___ By ___*Phillip J. Articola*___

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